

By



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,292	04/02/2001	Charles M. Link II	BLL-0217	8769
36192	7590	01/27/2005	EXAMINER	
CANTOR COLBURN LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			NGUYEN, DUC M	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/822,292

Applicant(s)

LINK ET AL.

Examiner

Duc M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 19-63 is/are pending in the application.
- 4a) Of the above claim(s) 28-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-27 and 40-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### ***DETAILED ACTION***

This action is in response to the applicant's response filed on 10/19/04. Claims 1-17, 19-63 are now pending in the present application. Claims 28-39 withdrawn from further consideration as being drawn to nonelected claims.

### ***Claim Objections***

1. Claim 13 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 9. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
2. Claim 52 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 48. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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4. Claims **1-9, 13-17, 40-48, 52** are rejected under 35 U.S.C. 102(a) as being anticipated by **Daly** (US Pat No. **6,122,503**).

Regarding claim **1**, **Daly** discloses a method for updating the memory (internal database) of a mobile phone via over-the-air programming (OTAP) using SMS messages which would include all the claimed limitations (see **col. 3, line 65 - col. 4, line 48**), comprising:

- receiving a first information relating to a new or revised (update) agreement between a wireless service provider and a subscription company servicing the first wireless device, the first item of information corresponding to at least one wireless service provider that is associated with a local calling area as claimed (see **col. 5, line 52 – col. 6, line 9 and col. 3, lines 47-48**);
- targeting a set of subscribers (subset) associated with wireless devices for receiving the first information as claimed (see **col. 4, lines 14-18**);
- receiving a second information related to registration event (active or inactive) as claimed (see **col. 5, line 52 – col. 6, line 9 and col. 10, lines 1-15**);
- transmitting a third information (updates information regarding system operator or service providers in SMS format) as claimed (see **col. 5, line 52 – col. 6, line 9 and col. 10, lines 1-15**);

Regarding claims **2-9, 13**, they are rejected for the same reason as set forth in claim **1** above. In addition, **Daly** further discloses

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- converting first information to SMS message (see **col. 10, lines 1-15**) ;
- comparing second information with a record in a concerned data base (see **col. 6, lines 20-63**);
- a state of record (pending or waiting indicator, see **col. 6, lines 20-63**);
- retrieve message for a wait state record (see **col. 6, lines 20-63** and **col. 10, lines 1-15**)
- assembling third information based on characteristics of the wireless device (see **col. 6, lines 20-63**);
- third information is an SMS message (see **col. 10, lines 1-15**) ;
- create an entry in a pending database as claimed (clear indicators, see **col. 3, lines 61-62**);

Regarding claims **14-17**, the claims are interpreted and rejected for the same reason as set forth in claims 1-9 above.

Regarding claims **40-48, 52**, the claims are interpreted and rejected for the same reason as set forth in claims **1-9, 13** above, respectively.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims **10-12, 19, 20-27, 49-51, 53-63** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Daly**.

Regarding claim **10**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, although **Daly** discloses the registration notice (second information) is sent using IS-41 signaling, it would have been obvious to one skill in the art to modify **Daly** to use SS7 link in place of IS-41 as well, for utilizing advantages provided by SS7 such as flexibility and cost.

Regarding claim **11**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, when the mobile user is roaming in another network and register with the roaming network, it is clear that such registration notice would be fed to the HLR via a signal transfer point (STP) as claimed.

Regarding claims **12, 19**, the claims are rejected for the same reason as set forth in claim 10 above. In addition, in order to receive registration notice, it is clear that a filter would obviously be used in order to filter registration messages from raw SS7 data.

Regarding claims **20-22**, the claims are rejected for the same reason as set forth in claim 1 above. In addition, although **Daly** fails to disclose the centralized database of the HLR is organized into specific databases (pending, concerned, history and message databases) as claimed, it would have been obvious to one skilled in the art of databases to modify **Daly** to organize databases into specific databases as claimed, for easy management of databases.

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Regarding claim **23**, the claim is rejected for the same reason as set forth in claim 20 above. In addition, **Daly** as modified would obviously disclose the step of retrieving a SMS message as claimed (see col. 7, lines 58-65).

Regarding claim **24**, the claim is rejected for the same reason as set forth in claim 20 above. In addition, it is clear that **Daly** would obviously disclose the step of receiving autonomous registration from the network as claimed (see col. 10, lines 1-15).

Regarding claims **25, 27**, the claims are rejected for the same reason as set forth in claims **10, 12** above.

Regarding claim **26**, the claim is rejected for the same reason as set forth in claim 11 above.

Regarding claims **49-51**, the claims are interpreted and rejected for the same reason as set forth in claims **10-12** above.

Regarding claim **53**, the claims are rejected for the same reason as set forth in claim 20 above.

Regarding claim **54**, the claim is rejected for the same reason as set forth in claim 53 above. In addition, it is clear that **Daly** would obviously disclose features (MIN, ESN and point code) as claimed, in order to determine whether the wireless is identified as waiting for the updated information (see **col. 6, lines 33-39** regarding MIN, ESN and **col. 6, lines 52-60** regarding point code and waiting status).

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Regarding claim **55**, the claim is rejected for the same reason as set forth in claim 53 above. In addition, **Daly** discloses the wireless device transmits acknowledgement as claimed (see **col. 9, lines 33-35**).

Regarding claims **56-57**, the claims are rejected for the same reason as set forth in claim 55 above. In addition, it would have been obvious to one skilled in the art that a specified number of retries (unsuccessful attempts) would be utilized by a transmitter if it does not receive an acknowledgement of a delivery message from a receiver. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to further modify **Daly** for marking the concerned database or the history database as claimed, in order to record whether or not the update information has been successfully delivered to a particular wireless device.

Regarding claims **58-59**, the claims are rejected for the same reason as set forth in claim 53 above. In addition, **Daly** as modified would obviously disclose the step of retrieving a SMS message as claimed (see **col. 7, lines 58-65**).

Regarding claim **60**, the claim is rejected for the same reason as set forth in claim 53 above. In addition, it is clear that **Daly** would obviously disclose the step of receiving autonomous registration from the network as claimed (see **col. 10, lines 1-15**).

Regarding claims **61-63**, the claims are interpreted and rejected for the same reason as set forth in claims **25-27** above.



### **Response to Arguments**

7. Applicant's arguments with respect to claims 1-17, 19-63 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

8. **Any response to this action should be mailed to:**

Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to:

703-872-9314 (for formal communications intended for entry)

(for informal or draft communications, please label PROPOSED or  
DRAFT)

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from  
the examiner should be directed to Duc M. Nguyen whose telephone number is  
703-306-4531. The examiner can normally be reached on Monday-Thursday  
(9:30 AM – 5:00 PM).

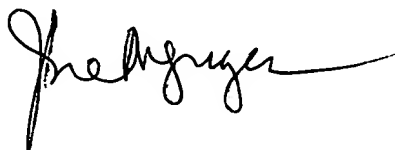
If attempts to reach the examiner by telephone are unsuccessful, the  
examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax  
phone number for the organization where this application or proceeding is  
assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Duc M. Nguyen

Jan 14, 2005

A handwritten signature in black ink, appearing to read 'Duc M. Nguyen', with a long horizontal flourish extending to the right.